

**PLAINTIFFS' MEMORANDUM OF LAW IN OPPOSITION TO
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT RE NUISANCE**

EXHIBIT 11

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

* * * * *

THE CITY OF HUNTINGTON,

Plaintiff,

vs.

CIVIL ACTION
NO. 3:17-01362

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,
Defendants.

CABELL COUNTY COMMISSION,
Plaintiff,

vs.

CIVIL ACTION
NO. 3:17-01665

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,

Defendants.

* * * * *

Videotaped and videoconference deposition
of SCOTT LEMLEY taken by the Defendants under the
Federal Rules of Civil Procedure in the above-
entitled action, pursuant to notice, before Teresa
S. Evans, a Registered Merit Reporter, at the
Mountain Health Arena, One Civic Center Plaza,
Huntington, West Virginia, on the 3rd day of July,
2020.

1 whether there is an opioid epidemic in Huntington,
2 West Virginia?

3 A. I do.

4 Q. What is that?

5 A. I believe there's an opioid epidemic in
6 Huntington, absolutely. Kind of going through
7 research at the beginning, looking at some of the
8 overdose death rates in other areas of the country
9 -- I think Cleveland comes to mind. Again, I'm not
10 sure of this, but I want to say it was Cleveland
11 they were talking about nine deaths per 100,000 as
12 an epidemic, and ours was much higher than that.

13 And I said, "Well, if theirs is an
14 epidemic, what do we call ours?" I mean, it's
15 horrible. It has affected every aspect of what we
16 do in Huntington from social -- it's socioeconomic.
17 It affects the University; it affects our medical
18 community; it affects our quality of life and our
19 parks; it affects our first responders; it affects
20 our property values.

21 It affects all kinds of things within
22 the City of Huntington and Cabell County --

23 Q. What --

24 A. It -- I would absolutely say it was at an